

## JURISDICTION OVER PRIZES

*Exchange of notes at London June 10 and September 24, 1943*

*Reciprocity proclaimed by the President of the United States November 28, 1943*

*Entered into force November 28, 1943*

*Obsolete*

59 Stat. 1709; Executive Agreement Series 489

*The American Ambassador to the British Secretary of State for Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

LONDON, June 10, 1943

No. 2719

SIR:

I have the honor to refer to the arrangement made between the Government of the United Kingdom and the Government of the United States by which, in conformity with the provisions of Public Law 704 enacted by the Seventy-seventh Congress of the United States and approved August 18, 1942,<sup>1</sup> the courts of the United States were permitted to exercise jurisdiction over prizes taken by United States armed forces and brought into the territorial waters of the United Kingdom and Sierra Leone. A copy of the Act in question is enclosed for your convenient reference.<sup>2</sup> The consent of the Government of the United Kingdom to this arrangement was notified to this Embassy by a note (No. W 13225/279/49) dated November 3, 1942.<sup>3</sup>

My Government now desires to obtain the consent of the Government of India to a similar arrangement with respect to prizes taken by United States armed forces and brought into the territorial jurisdiction of the Government of India. Permission is desired for special prize commissioners appointed by the district courts of the United States to exercise in India such powers and duties, in addition to those already prescribed for prize commissioners, as may be deemed necessary or proper for carrying out the pur-

<sup>1</sup> 56 Stat. 746.

<sup>2</sup> Not printed here.

<sup>3</sup> EAS 393, *post*, UNITED KINGDOM.

poses of Public Law 704. The duties of prize commissioners are set out in Title 34, U.S.C., Section 1138, which reads as follows:

“S 1138. Duties of prize commissioners. The prize commissioners, or one of them, shall receive from the prize master the documents and papers, and inventory thereof, and shall take the affidavit of the prize master required by section 1134 of this title, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested without special authority from the court; and witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize commissioners shall also take depositions *de bene esse* of the prize crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be in the marshal only. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken *de bene esse*, and their own inventory of the prize property; and if the captured vessel, or any of its cargo or stores, are such as in their judgment may be useful to the United States in war, they shall report the same to the Secretary of the Navy.”

My Government, upon the receipt from the Government of India of the consent required by Section 3 of Public Law 704, will take appropriate measures in accordance with Section 7 of the same Act to confer reciprocal privileges upon the Government of India with respect to prizes.

I shall be grateful if you will inform the Government of India of my Government's desire and request, on my Government's behalf, the necessary consent to the exercise of such powers by United States courts and by special

prize commissioners appointed by them within the territorial jurisdiction of the Government of India.

Accept, Sir, the renewed assurances of my highest consideration.

For the Ambassador  
H. FREEMAN MATTHEWS  
*Minister-Counselor*

The Right Honorable  
ANTHONY EDEN, M.C., M.P.,  
*Secretary of State for Foreign Affairs,*  
*Foreign Office, S. W. 1.*

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*The British Secretary of State for Foreign Affairs to the American  
Ambassador*

FOREIGN OFFICE, S.W. 1  
24th September, 1943

No. W 13056/3214/49

YOUR EXCELLENCY,

With reference to Your Excellency's note No. 2719 of the 10th June last, I have the honour to inform you that the Government of India agree to the proposal of the United States Government whereby the courts of the United States shall be permitted to exercise jurisdiction over prizes taken by the United States armed forces and brought into the territorial jurisdiction of the Government of India.

2. It is understood that the United States Government will take appropriate measures to confer reciprocal privileges upon the Government of India.

I have the honour to be, with the highest consideration,

Your Excellency obedient Servant,

(For the Secretary of State)  
J. H. Le ROUGETEL

His Excellency  
The Honourable  
JOHN G. WINANT,  
*etc., etc., etc.,*  
*1, Grosvenor Square, W.1.*